

Hal Sadofsky

Volumes 1 & 2

Freyd v University of Oregon, et al

June 18th, 2018



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Dec. of P. Barran in Support of Reply Memo

Hal Sadofsky
Volumes 1 & 2

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<p>6</p> <p>1 (continued)</p> <p>2 EXHIBITS.....MARKED</p> <p>3 Exhibit 68 H. Sadofsky changes of Jody Shipper Notes 245</p> <p>4 Exhibit 69 Jody Shipper Notes 245</p> <p>5 Exhibit 70 Psychology Department Pay Raise Strategy, 2006 267</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>8</p> <p>1 HAL SADOFSKY,</p> <p>2 having been first duly sworn to testify the truth,</p> <p>3 the whole truth, and nothing but the truth, was</p> <p>4 examined and testified as follows:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MS. MIDDLETON:</p> <p>8 Q. Good morning, Mr. Sadofsky. Have you ever</p> <p>9 had your deposition taken before?</p> <p>10 A. No, I haven't.</p> <p>11 Q. All right. Well, just some basic ground</p> <p>12 rules. As you can tell, our court reporter, Debby,</p> <p>13 is taking down everything we say. So the most</p> <p>14 important rule to make sure we get a clear</p> <p>15 transcript is that we not speak on top of each</p> <p>16 other.</p> <p>17 So I will do my best to wait for you to</p> <p>18 finish an answer before I ask my next question, and</p> <p>19 if you could wait for me to finish my question even</p> <p>20 if you know what I'm about to say before you start</p> <p>21 to answer, that will make sure our transcript is</p> <p>22 clear. Okay?</p> <p>23 A. Yep.</p> <p>24 Q. Great. And then the second rule is your</p> <p>25 responses need to be audible, so yes, no, or</p>

<p style="text-align: right;">97</p> <p>1 administrative role before that.</p> <p>2 So I think in the -- in the current</p> <p>3 academic year, I would be surprised if she</p> <p>4 effectively does the job of a full professor in the</p> <p>5 psychology department because I just don't see how</p> <p>6 there are enough hours in the day to do the job that</p> <p>7 she has been filling in for and the job of a full</p> <p>8 professor.</p> <p>9 Before that -- you know, based on my</p> <p>10 recollection of her evaluations, the answer is yes,</p> <p>11 although I don't know details and she had a</p> <p>12 half-time appointment in the graduate school for the</p> <p>13 last, I think, 2015 through 2017 or something like</p> <p>14 that. Maybe it was 2014 through 2017. I'm not</p> <p>15 sure.</p> <p>16 Q. Do you know what her duties were in the</p> <p>17 half-time appointment in the graduate school?</p> <p>18 A. In a very general sense, I have an idea</p> <p>19 about that, but I don't know the specifics of what</p> <p>20 was delegated to her and what was the job of the</p> <p>21 dean of the graduate school.</p> <p>22 Q. What's your general sense?</p> <p>23 A. She managed things like graduate duties</p> <p>24 and -- the graduate duties and responsibilities</p> <p>25 documents that departments are responsible for. I</p>	<p style="text-align: right;">99</p> <p>1 now it's gone out of my head.</p> <p>2 (Deposition Exhibit 50</p> <p>3 marked for identification.)</p> <p>4 BY MS. MIDDLETON:</p> <p>5 Q. I've handed you what's been marked</p> <p>6 Exhibit 50. Are you familiar with this equity</p> <p>7 salary review policy?</p> <p>8 A. No.</p> <p>9 Q. Do you want to take a minute to review it?</p> <p>10 A. Sure.</p> <p>11 Q. Um --</p> <p>12 A. Sure.</p> <p>13 Q. Do you know if this policy has been</p> <p>14 adhered to by the University of Oregon?</p> <p>15 A. I do not know.</p> <p>16 Q. Are you aware of the president ever</p> <p>17 appointing a committee of administrative and</p> <p>18 teaching faculty charged to design a mechanism to be</p> <p>19 used for analyzing faculty salaries to identify</p> <p>20 equity problems?</p> <p>21 A. No, but if the president had done it in</p> <p>22 1986, I wouldn't know that.</p> <p>23 Q. <u>Can you tell from looking at this document</u></p> <p>24 <u>whether the policy has ever been rescinded?</u></p> <p>25 A. <u>I cannot tell if it's been rescinded from</u></p>
<p style="text-align: right;">98</p> <p>1 think she managed disciplinary and grievance</p> <p>2 processes and just did a lot sort of troubleshooting</p> <p>3 when, you know, individual students ran into</p> <p>4 problems or when departments ran into problems that</p> <p>5 they didn't know how to solve.</p> <p>6 She also did things like put together, you</p> <p>7 know, awards ceremonies for graduate students who</p> <p>8 were receiving awards. I mean, these are the --</p> <p>9 these are places where she was visible to me in my</p> <p>10 role as opposed to things she might have done that I</p> <p>11 don't know about.</p> <p>12 Q. And in her capacity as full professor in</p> <p>13 the psychology department, can you describe her</p> <p>14 day-to-day?</p> <p>15 A. Not in a way that's particular individual</p> <p>16 to her. I mean, I know because I -- I, you know,</p> <p>17 taught from time to time with Professor Hodges, that</p> <p>18 she spends a lot of time teaching, a lot of time</p> <p>19 meeting with her graduate students, a lot of time</p> <p>20 meeting with undergraduate students. And I'm sure</p> <p>21 that there are a lot of other things that go on too</p> <p>22 but --</p> <p>23 Q. Are you familiar with what she studies?</p> <p>24 A. Yes, but I can't remember. I mean, so I</p> <p>25 guess that's sort of no. We've talked about it and</p>	<p style="text-align: right;">100</p> <p>1 <u>looking at this, no, but there's a revision history</u></p> <p>2 <u>paragraph on the second page which shows that it's</u></p> <p>3 <u>been renumbered.</u></p> <p>4 Q. <u>But not rescinded.</u></p> <p>5 A. It doesn't show it's been rescinded.</p> <p>6 Q. How does seniority factor in the</p> <p>7 determination of compensation for full professors?</p> <p>8 A. It only factors in as accumulation, that</p> <p>9 is, there are no decision points at which seniority</p> <p>10 is a factor, but because if you've been here longer,</p> <p>11 there may have been more raises, it may come in as a</p> <p>12 factor there.</p> <p>13 Q. For someone who is an existing full</p> <p>14 professor, are there factors besides merit -- well,</p> <p>15 let me ask that question a different way.</p> <p>16 Is there a way to get a raise besides a</p> <p>17 merit raise, an across-the-board raise, an equity</p> <p>18 raise, or a retention raise?</p> <p>19 A. A promotion raise or a six-year</p> <p>20 post-tenure review raise.</p> <p>21 Q. Uh-huh.</p> <p>22 A. What were the four that you listed?</p> <p>23 Q. Across the board, equity monies, merit,</p> <p>24 and retention.</p> <p>25 A. Yeah. I think -- I think those six things</p>

<p style="text-align: right;">117</p> <p>1 A. Do you -- do you have dates on these</p> <p>2 spreadsheets?</p> <p>3 Q. Well, Exhibit 11, the date we've got is</p> <p>4 merit raise calculations 2018, and then there's some</p> <p>5 dates along the right-hand side. And Exhibit 52,</p> <p>6 all I can tell you is that the tab said Final 2018.</p> <p>7 A. Uh-huh. No. I don't know. I -- so</p> <p>8 Gordon Hall signed up for retirement probably</p> <p>9 sometime around this period, but I don't remember</p> <p>10 exactly when, but I think it was by the beginning of</p> <p>11 this academic year.</p> <p>12 And there's a 6 percent raise that's</p> <p>13 automatic that goes with that. And in spite of</p> <p>14 being a mathematician, I can't do that math in my</p> <p>15 head, but that's -- that's the right order of</p> <p>16 magnitude for this change. So -- so that's a</p> <p>17 possible explanation.</p> <p>18 Q. Uh-huh. What is the policy around</p> <p>19 retirement? I mean, he signs up for it and then how</p> <p>20 long before he actually retires?</p> <p>21 A. Within three years.</p> <p>22 Q. Do you -- has he said when he intends to</p> <p>23 retire?</p> <p>24 A. When you sign up, you have a -- a</p> <p>25 drop-dead date, for lack of a better word. Right?</p>	<p style="text-align: right;">119</p> <p>1 from the dollar amount. Correct?</p> <p>2 A. That's correct.</p> <p>3 MS. MIDDLETON: I think this is a good</p> <p>4 time for a lunch break.</p> <p>5 MS. BARRAN: Okay.</p> <p>6 MS. MIDDLETON: Should we just take a</p> <p>7 half an hour? If you want a little more time, we</p> <p>8 can do that but --</p> <p>9 MS. BARRAN: Do you need more time or</p> <p>10 do you think that --</p> <p>11 A. Half an hour is fine -- no. Half an hour</p> <p>12 -- if it's okay with you guys.</p> <p>13 MS. BARRAN: Yeah. Half an hour is</p> <p>14 fine.</p> <p>15 THE VIDEOGRAPHER: Stand by, please.</p> <p>16 We're off the record at 12:17 p.m.</p> <p>17 (The deposition was adjourned at</p> <p>18 12:17 and resumed at 12:57 p.m.)</p> <p>19 (End of Volume 1.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">118</p> <p>1 You promise to retire by a certain date. And it can</p> <p>2 be as far in the future as three years into the</p> <p>3 future. But I don't know -- I don't have a -- I</p> <p>4 don't remember when Gordon signed up or when -- or</p> <p>5 what he wrote down as his retire-by date. The</p> <p>6 sensible thing is to put it as far out as possible,</p> <p>7 which is three years from the date you signed up,</p> <p>8 but I don't know if that's what he did.</p> <p>9 Q. And psychology determines the merit raises</p> <p>10 as -- as a dollar amount as opposed to a percentage</p> <p>11 amount. Correct?</p> <p>12 A. That's what I conclude from the -- 1.5 on</p> <p>13 page 14 of this document of policies and procedures.</p> <p>14 I didn't -- I wouldn't have remembered that.</p> <p>15 Q. Okay. So is it your understanding, then,</p> <p>16 that the department would determine the dollar</p> <p>17 amount, and then the university administrators would</p> <p>18 then translate that into a percentage of base salary</p> <p>19 for the raise?</p> <p>20 So, for instance, in the spreadsheet</p> <p>21 that's Exhibit 11, there's a column saying merit</p> <p>22 raise is a percentage of base under Option 1.</p> <p>23 A. Uh-huh.</p> <p>24 Q. The question really is: The dollar amount</p> <p>25 comes first and then the percentage is calculated</p>	<p style="text-align: right;">120</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF OREGON</p> <p>3 EUGENE DIVISION</p> <p>4</p> <p>5 JENNIFER JOY FREYD,)</p> <p>6 Plaintiff,) No.</p> <p>7 v.) 6:17-CV-00448-MC</p> <p>8 UNIVERSITY OF OREGON, MICHAEL H.) Volume 2 of 2</p> <p>9 SCHILL and HAL SADOFSKY,) Pages 120-290</p> <p>10 Defendants.)</p> <p>11)</p> <p>12</p> <p>13 DEPOSITION OF HAL SADOFSKY</p> <p>14 June 18th, 2018</p> <p>15 Monday</p> <p>16 12:57 P.M.</p> <p>17</p> <p>18 THE VIDEOTAPED DEPOSITION OF HAL SADOFSKY</p> <p>19 was resumed at University of Oregon, EMU, Room 340,</p> <p>20 Eugene, Oregon, before Deborah M. Bonds, CSR-RPR,</p> <p>21 Certified Shorthand Reporter in and for the State of</p> <p>22 Oregon.</p> <p>23</p> <p>24</p> <p>25</p>

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1 (Pause.)

2 This is what I get.

3 BY MS. MIDDLETON:

4 Q. So is that based on a base pay of 169,588?

5 A. Yes. So it's 169,588 plus 8 percent of

6 169,588.

7 Q. So the spreadsheet -- this is --

8 difference --

9 MR. MORALES: I'm just going -- I'm

10 just going to make a standing objection with respect

11 to this spreadsheet. I think by now it's apparent

12 that this is purely speculative, that he's already

13 made it clear that he cannot explain any disparities

14 in that spreadsheet.

15 BY MS. MIDDLETON:

16 Q. The spreadsheet for '16-'17 with Phil

17 Fisher appears to show a base salary of 164,696.

18 A. Right. That's -- what date is on that

19 salary?

20 Q. That is November 1 of '16.

21 A. There was a raise on January 1st, 2017.

22 So that's not the amount that the 8 percent would

23 have been applied to.

24 Q. And then the six-year post-tenure review

25 was on top of that?

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1 A. On top of --

2 Q. The January 1 --

3 A. Right. So the January -- there was a

4 January 1st, 2017, raise, which I'm hypothesizing

5 raised his base rate to 169,588. And then if you

6 add 8 percent to that, then I guess you'd hit

7 183,155, and that would be the post-tenure review

8 raise, which would take place in the chain of

9 academic year from '16-'17 to '17-'18.

10 Q. Got it.

11 See, he was able to explain it perfectly.

12 So if we go back to the faculty salary

13 retention policy, one of the considerations in that

14 policy -- yeah, that one -- is internal equity. And

15 I'm wondering how you took into account internal

16 equity in negotiating the retention raises we've

17 just discussed?

18 A. By -- by doing the best to be conservative

19 and minimizing the amount of the raise within the --

20 within the priority of retaining a faculty member.

21 Q. The procedure on the back of that policy

22 asks for a request form that includes a written

23 narrative that should acknowledge any issues

24 concerning compensation equity that may result if an

25 increase is approved.

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1 Did you create any written narratives like

2 that in connection with these retention raises?

3 A. No, I didn't. The -- if we are following

4 this procedure to the letter, then the department

5 head would have done that in consultation with me.

6 I did -- I did look at relevant salaries as we -- as

7 we -- as we went through these, but I didn't create

8 a written narrative.

9 Q. Did you receive a written narrative from

10 Professor Mayr?

11 A. I don't remember doing -- I don't remember

12 having received that, no.

13 MS. BARRAN: Could we identify the

14 exhibit number? I don't know that we did. And I

15 might not have heard it.

16 MS. MIDDLETON: 46.

17 MS. BARRAN: Thank you.

18 BY MS. MIDDLETON:

19 Q. How much time and energy would you say you

20 spend dealing with retention situations?

21 A. I don't know exactly. The psychology --

22 excuse me -- the psychology department has far more

23 than its fair share of retention activity. And, you

24 know, when I think about other departments, I might

25 have had two retentions that I've had to deal with

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1 in the four years that I've been divisional dean or

2 associate dean whereas in psychology, I've had this

3 whole spreadsheet's worth.

4 And it's -- it's -- it's pretty time

5 consuming. I don't know. I mean, one of these

6 might end up eating up a couple days of time in lots

7 and lots of little small bits.

8 Q. Why do you think the psychology department

9 gets so many more than other departments?

10 A. There's -- there are a couple of reasons.

11 It's a very strong department, so they have a lot of

12 faculty that are attractive to outsiders. That's

13 not just true for psychology. I would argue that

14 biology, for example, is just as strong, but they

15 don't seem to have the same, same percentage of

16 retention activity.

17 Because it's primarily not a wet lab

18 science, I think people are a little bit more

19 portable. You don't have to build a wet lab, which

20 is also expensive and sort of, you know, move --

21 move your mice or whatever or start a new -- start a

22 new colony of mice.

23 And then we have people like Jen Pfeifer

24 and Phil Fisher and Nick Allen who are really

25 well-funded and doing work that -- you know, this is

1 STATE OF OREGON)
2) ss.
3 County of Lane)

4
5 I, Deborah M. Bonds, CSR-RPR, a Certified
6 Shorthand Reporter for the State of Oregon, certify
7 that the witness was sworn and the transcript is a
8 true record of the testimony given by the witness;
9 that at said time and place I reported all testimony
10 and other oral proceedings in the foregoing matter;
11 that the foregoing transcript consisting of 288
12 pages contains a full, true and correct transcript
13 of the proceedings reported by me to the best of my
14 ability on said date.

15 If any of the parties or the witness requested
16 review of the transcript at the time of the
17 proceedings, correction pages have been inserted.

18 IN WITNESS WHEREOF, I have set my hand and CSR
19 seal this 3rd day of July 2018, in the City of
20 Eugene, County of Lane, State of Oregon.

21

22

Deborah M. Bonds

23 Deborah M. Bonds, CSR-RPR

24 CSR No. 01-0374

25 Expires September 30, 2020

1 HAL SADOFSKY

2 Freyd v. University of Oregon, et al.

3 June 18th, 2018

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16 |_____

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18 I declare under penalty of perjury that the 288
19 pages of the transcript referenced above are true
20 and correct except for such corrections as noted.

21 Executed this day of, 2018.

22

23 |.....|

24 HAL SADOFSKY

25